

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | No. 10 CR 1052 |
| |) | Judge Virginia Kendall |
| |) | |
| LEO STOLLER |) | |

MOTION TO CONTINUE TRIAL DATE

Defendant, LEO STOLLER, by the Federal Defender Program and its attorneys, JOHN F. MURPHY and ROBERT D. SEEDER moves this Court for an order continuing the trial date from January 9, 2012 for approximately 90 days. In support of this motion, Mr. Stoller states as follows:

1. On June 30, 2011, this Court set a trial date in this case for January 9, 2011.
2. Mr. Murphy, counsel for Mr. Stoller, recently completed a trial in *United States v. Hanjuan Jin*, 08 CR 192, before Honorable Ruben Castillo. That case involved alleged violations of the Economic Espionage Act, complex issues arising from the charges, and, by counsel's estimation, over 15,000 pages of discovery. The vast majority of counsel's time in the preceding five months has been devoted to the preparation of the *Jin* case. Consequently, counsel has not had the opportunity to prepare Mr. Stoller's defense.

3. Counsel has sentencing hearings set in December in *United States v. Debra Windham*, 10 CR 45, and *United States v. Jaime Rosales-Gaeta*, 11 CR 361. Each will require the preparation of a sentencing memorandum and, with respect to the latter hearing, requires client visitation at the McHenry County Jail.

4. Co-Counsel, Mr. Seeder, recently completed a trial in *United States v. Boyce*, 10 CR 533, before Honorable Robert M. Dow, Jr. Post-trial motions in that case are due December 9, 2011. Additionally, Mr. Seeder has a sentencing hearing in December in *United States v. Adrian Ponce-Vasquez*, 11 CR 553 which will require the preparation of a sentencing memorandum and visitation with the client at the McHenry County Jail. Further, Mr. Seeder represents an individual in a terrorism-related case which will involve his travel out of state to visit the client during the month of December.

5. The Federal Defender Program is presently representing dozens of individuals seeking sentencing reductions based on the changes in the sentencing laws related to crack cocaine distribution. Recently, both counsel have been given numerous cases to evaluate and, if necessary, to file motions on. These cases often have a time sensitivity inasmuch as some individual may be candidates for early release from custody.

6. In light of the above-noted schedules, preparing Mr. Stoller's defense by the January 9, 2012 date will be extremely difficult. An additional 90 days will provide the requisite time in which to prepare properly the case.

7. Mr. Stoller remains on the bond issued by this Court.

WHEREFORE, for the foregoing reasons, LEO STOLLER respectfully requests a continuance of the trial date from January 9, 2012 for approximately 90 days.

Respectfully submitted

FEDERAL DEFENDER PROGRAM
Carol A. Brook
Executive Director

By: s/ John F. Murphy
John F. Murphy
Counsel for Mr. Stoller

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CERTIFICATE OF SERVICE

The undersigned, John F. Murphy, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

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was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on November 23, 2011, to counsel/parties that are non-ECF filers.

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